

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6589
BILL NUMBER: HB 1252

NOTE PREPARED: Jan 5, 2015
BILL AMENDED:

SUBJECT: Sentencing for Habitual Drug Dealers.

FIRST AUTHOR: Rep. Moed
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who is convicted of dealing certain drugs may be sentenced as a habitual drug dealer if the person has two prior unrelated convictions for dealing certain drugs.

Effective Date: July 1, 2015.

Explanation of State Expenditures: The sentence enhancement could result in additional expenditures by the Department of Correction (DOC) for incarceration. The prosecuting attorney would have the discretion to seek an additional sentence. The sentence enhancement will depend on the felony level of the underlying offense, which will depend on the weight of the drug.

Code Cite	Dealing In	Range in Sentences	Range in Advisory Sentences	Possible Length of Stay
IC 35-48-4-1	Cocaine or a Narcotic Drug	Level 4, 3, 2	6 to 17.5 years	4.5 to 13.125 years
IC 35-48-4-1.1	Methamphetamine	Level 4, 3, 2	6 to 17.5 years	4.5 to 13.125 years
IC 35-48-4-2	Schedule I, II, or III	Level 5,4, 3, 2	3 to 17.5 years	2.25 to 13.125 years
IC 35-48-4-3	Schedule IV	Level 5,4, 3	3 to 9 years	2.25 to 6.75 years
IC 35-48-4-4	Schedule V	Level 6, 5,4	1 to 6 years	6 months to 4.5 years

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal

cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner.

Additional Information– For the period between 2008 and 2013, DOC reported the following numbers of offenders who were committed to DOC facilities for drug dealing. Information on prior offenses for drug dealing were not known.

Commitments to DOC Facilities for Drug Dealing					
CY	IC 35-48-4-1	IC 35-48-4-1.1	IC 35-48-4-4	IC 35-48-4-2	IC 35-48-4-3
2008	689	147	1	127	30
2009	670	287	4	228	31
2010	638	362	1	277	38
2011	563	424	2	265	30
2012	460	392		262	26
2013	506	523	9	267	32

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; Prosecuting attorneys.

Information Sources: Department of Correction offender information system.

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